

IN RE: PETITION FOR SPECIAL HEARING  
RE/Cor. Padonia & Greenpoint Rds.  
(One Lot Subdivision in Mays  
Chapel Village)  
8th Election District  
3rd Councilmanic District  
Galway, Inc.  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 93-354-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the owners of the subject property, Galway, Inc., by and through their attorney, Eugene Smith, Esquire. The Petitioner requests a special hearing to approve an amendment to the partial development plan of Mays Chapel Village, Section 8, after sale of interest in nearby property, to permit one single family lot on the adjacent parcel, pursuant to Section 1801.3.A.7.b of the Baltimore County Zoning Regulations (B.C.Z.R.), as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petitioners were James Kealty, III, a representative for Galway, Inc., and Mark Buda, Professional Engineer. The petitioners were represented by Eugene Smith, Esquire. Numerous citizens appeared in opposition to the Petitioners' request. They appointed Richard Zapf and John P. Fisher as their spokespersons at the hearing.

Testimony indicated that the subject property is located within the Mays Chapel Village development and consists of 10.5 acres, more or less, zoned D.R. 2. The Petitioners are desirous of carving a 2.0 acre lot from this 10.5 acre parcel for the purpose of constructing a single family dwelling thereon. The proposed subdivision and development are more particularly described on Petitioner's Exhibit 1, a site plan of the

property. On behalf of the Petitioners, Mr. Smith proffered that the proposed one lot subdivision received Planning Board approval prior to the hearing before this Deputy Zoning Commissioner.

No less than 22 concerned citizens appeared in opposition to the relief requested. Mr. Richard Zapf, a nearby property owner, appeared and testified in opposition to this request. Mr. Zapf testified that there is a high level of disapproval from the community as to the development of the subject property. He introduced a petition containing 104 signatures of many of the residents of the Holly Hall Condominium Association, all of whom oppose the development of this lot. Mr. Zapf testified that at the time he purchased his condominium in the Holly Hall community, he was assured by the sales agent that the area in which the subject development is proposed, would remain as wooded open space. The reassurance of the sales representatives of the Holly Hall Condominium development that this particular tract of land would remain undeveloped and wooded was echoed by many of the other residents in attendance. Mr. Zapf further testified that he was extremely upset that the community did not have any opportunity to participate in the hearing before the Planning Board. He felt that had the community been notified of the hearing before the Planning Board, and voiced their opposition to the developer's request, the Planning Board might not have acted favorably in approving the proposed one lot development. He felt that he and others present at the hearing before me were not given a fair opportunity to voice their opposition. Mr. Zapf also voiced concern over this parcel of property due to the trout streams that traverse this land and the environmental sensitivity of this tract.

Ms. Kristin Forsyth testified on behalf of the Valleys Planning

Council. Ms. Forsyth presented a letter written by the Executive Director of the Valleys Planning Council, Ms. Margaret Worrall dated May 25, 1993. Said letter depicts the strong opposition of the Valleys Planning Council to the proposed development of this open space.

Several other citizens from the surrounding area testified in opposition to the relief requested. The concerns raised by these witnesses were basically consistent with one another. The citizens are generally opposed to the development of this lot due to the additional traffic which will be generated on Green Point Road. Furthermore, this property acts as a buffer for the Holly Hall Garden Condominiums complex and to develop it would have an adverse impact on this community. Also the citizens are concerned about the environmental effect the proposed development might have. They note the existence of two trout streams on the property and believe that the clearing and grading of the subject lot will have an adverse impact upon these two streams.

Mr. Michael Grossman, a representative of the Department of Recreation and Parks, appeared and testified at the hearing. Mr. Grossman asked that my decision on this matter be withheld until such time as his office could formulate a written opinion on the proposed development. Mr. Grossman testified that he needed more time to further investigate the history of this development and asked for a few weeks to submit a written comment. I have now received inter-office correspondence dated June 17, 1993 from Wayne R. Harman, Director of the Department of Recreation and Parks in which several issues concerning the subject 10.5 acre parcel are raised. His comments will be discussed later in this opinion.

It should be noted that the record plat for Mays Chapel Village, which includes the subject 10.5 acre parcel, only identifies this property

as being wooded and owned by Galway, Inc. As a result, the Petitioner believes that they have the right to subdivide and develop the 2.0 acre lot as proposed. I requested and obtained a copy of the approved CRG plan for Mays Chapel Village South, Section 8, which specifically identifies the subject 10.5 acre parcel of land. It is denoted on the CRG plan that this parcel is to be dedicated to Baltimore County as local open space. The many citizens who purchased residences in the Holly Hall Condominium complex relied on the representations made by the sales agent that the area in question would remain as open space and wooded. Had any of those residents checked County records, and more specifically, the CRG plan which was approved for this property, they would have been further assured that this 10.5 acre parcel of land was identified thereon as Baltimore County local open space and would remain so. These citizens now look to Baltimore County for assurance that this 10.5 acre parcel of land, which was represented to them to remain as local open space, will not be developed in the future. I agree with the citizens who testified that the area in question should not be developed and should remain undisturbed.

Furthermore, reference is made to the inter office correspondence dated June 17, 1993 from Wayne R. Harman, Director of the Baltimore County Department of Recreation and Parks. Mr. Harman strongly recommends that the special hearing request for the proposed development be denied. He attached to his memo a letter dated May 16, 1993 which had been signed by the then Director of Planning and Zoning, Norman E. Gerber. Mr. Gerber specifically refers to an evaluation report prepared by his office concerning the development of Mays Chapel Village, Sections 7 through 15. At that time, the Planning Board was asked to make a determination of compatibility concerning this particular property. The Board referred to the

local open space which is the subject of this hearing and approved this development in 1983, based on the fact that said local open space was provided. As such, I do not feel it is appropriate to approve the proposed development within this local open space when the CRG plan for Mays Chapel was first approved based on the fact that this open space would be provided. In the opinion of this Deputy Zoning Commissioner, based upon the testimony and evidence presented and the documentation submitted hereto, the relief requested should be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of June, 1993 that the Petition for Special Hearing requesting approval of an amendment to the partial development plan for Mays Chapel Village, Section 8, after sale of interest in nearby property, to permit one single family lot on the adjacent parcel, pursuant to Section 1801.3.A.7.b of the Baltimore County Zoning Regulations (B.C.Z.R.), as more particularly described on Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that, in compliance with the comments made by Wayne R. Harman, Director of Recreation and Parks, dated June 17, 1993, a copy of which has been attached hereto and made a part hereof, all areas designated as Local Open Space on the approved CRG plan for Mays Chapel Village South, Sections VII, VIII, IX and XII shall be deemed as local open space to Baltimore County within ninety (90) days of the date of this Order.

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

June 30, 1993

(410) 887-4386

Eugene P. Smith, Esquire  
Weinberg and Green  
100 S. Charles Street  
Baltimore, Maryland 21201

RE: PETITION FOR SPECIAL HEARING  
RE/Corner Padonia and Greenpoint Roads  
(One Lot Subdivision, Mays Chapel Village, Section 8)  
8th Election District - 3rd Councilmanic District  
Galway, Inc. - Petitioners  
Case No. 93-354-SPH

Dear Mr. Smith:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

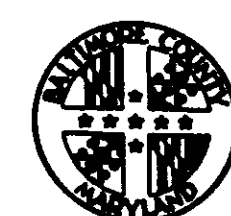
cc: Mr. Richard Zapf  
10 Belmullet Court, No. 302, Timonium, Md. 21093

Mr. John P. Fisher, 5 Belmullet Court, Timonium, Md. 21093

Ms. Kristin Forsyth  
Valleys Planning Council, Box 5402, Towson, Md. 21285

Mr. David M. Abercrombie  
Chapel Ridge Community Assoc., 20 Arverne Court, Timonium, Md. 21093

People's Counsel; file



Petition for Special Hearing  
to the Zoning Commissioner of Baltimore County  
for the property located at S.E. Intersection of Padonia & Greenpoint Rds  
which is presently zoned D.R.3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 502.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Amendment after sale of interest in nearby property, partial development plan of Mays Chapel Village Section 8 in accordance with Section 1801.3.A.7.b. FOR ONE SINGLE FAMILY LOT ON ADJACENT PARCEL

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Current Petitioner/Owner  
N/A  
(Type or Print Name)  
Signature  
Address  
City  
State  
Zip  
Attorney for Petitioner  
N/A  
(Type or Print Name)  
Signature  
Address  
City  
State  
Zip  
Legal Owner(s)  
Galway, Inc.  
(Type or Print Name)  
Signature  
Address  
City  
State  
Zip  
P.O. Box 528 252-8600  
Timonium, MD 21094  
James Kealty & Co., Inc., ATTN: Mark Buda  
(SAME AS ABOVE) (SAME)  
(Type or Print Name) (Type or Print Name)  
OFFICIAL USE ONLY  
Petitioner's Declaration of Signature  
I, the undersigned, declare that I am the legal owner(s) of the property described in the description and plat attached hereto and made a part hereof, and I am filing this petition for a Special Hearing under Section 502.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the amendment after sale of interest in nearby property, partial development plan of Mays Chapel Village Section 8 in accordance with Section 1801.3.A.7.b. FOR ONE SINGLE FAMILY LOT ON ADJACENT PARCEL.

93-354-SPH  
ZONING DESCRIPTION FOR 1 Lot Subdivision Greenpoint & Padonia Roads  
Election District 8 Councilmanic District 3

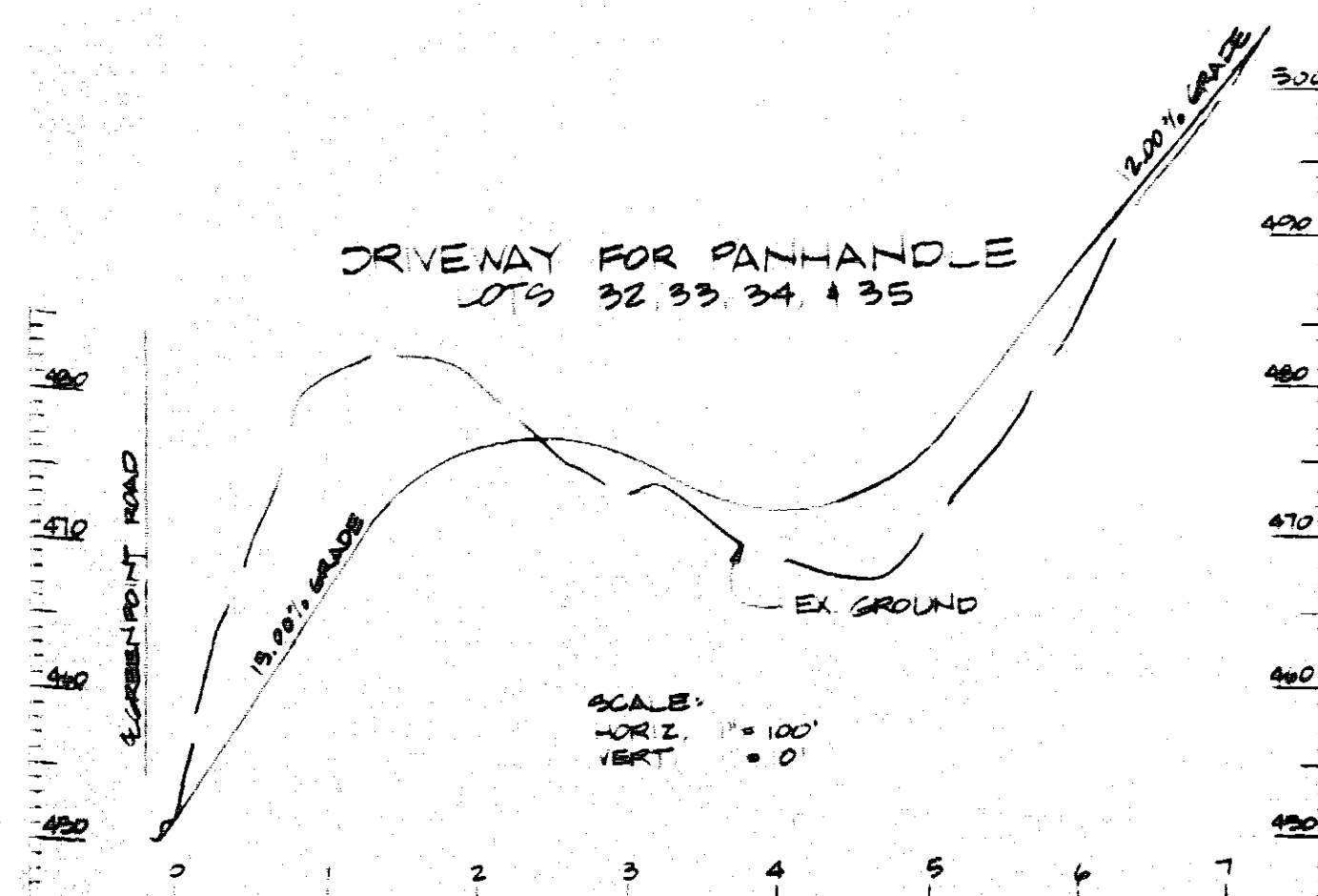
Beginning at a point on the East side of Greenpoint Road which is 74' wide at a distance of 0' South of the centerline of the nearest improved intersecting street, Padonia Road, which is 70' wide. Being a parcel of land in the subdivision of Mays Chapel Village as recorded in Deed Liber #5683, Folio #108, containing 461,113.7472 SF/10.5857 AC±.

Zoning description for the property located at the southeast corner of Padonia and Greenpoint Roads. Padonia Road having a 70' R/W and Greenpoint Road having a R/W varying from 74' @ Padonia Road to 60'; 600'± South. This parcel is located in the 8th Election District and the 3rd Councilmanic District as recorded in Deed Liber 5683, Folio 108; containing 461,114 S.F. or 10.59AC± of a total 174.75 AC± and described as follows:

N32° 31'05" E 21.84 FT. R=745.22 FT L=191.17 FT. R=647.00 FT. L=342.64 FT. S 00° 12'11" W 47.48 FT. S 89° 47'49" E 36.83 FT. R=1006.95 FT. L=193.15 FT. N80° 57'52" E 52.87 FT. S 82° 33'51" E 57.10 FT. N 64° 42'10" E 50.64 FT. N78° 21'52" E 50.16 FT. N 78° 38'42" E 50.01 FT. N 82° 41'00" E 51.31 FT. N 70° 19'58" E 52.11 FT. N 64° 27'07" E 52.31 FT. N 71° 44'23" E 51.95 FT. N 65° 49'46" E 51.94 FT. N 66° 32'21" E 51.89 FT. N 66° 10'54" E 66.82 FT. S 70° 29'52" E 51.10 FT. S 40° 48'22" E 249.75 FT. S 61° 46'16" W 135.05 FT. S 83° 56'31" W 180.32 FT. N 61° 39'06" W 181.38 FT. S 55° 44'20" W 160.00 FT. S 25° 44'20" W 115.00 FT. N 64° 15'40" W 70.15 FT. S 88° 32'40" W 154.89 FT. S 40° 13'00" W 176.86 FT. S 60° 31'13" W 158.40 FT. S 37° 27'40" W 299.77 FT. S 57° 56'48" W 135.58 FT. R=651.36 FT L=238.93 FT. N 10° 45'47" W 209.04 FT. N 79° 14'17" E 113.00 FT. N 44° 06'55" W 105.77 FT. S 61° 31'30" W 57.57 FT. N 10° 45'47" W 80.51 FT to the place of beginning.

ITEM #361

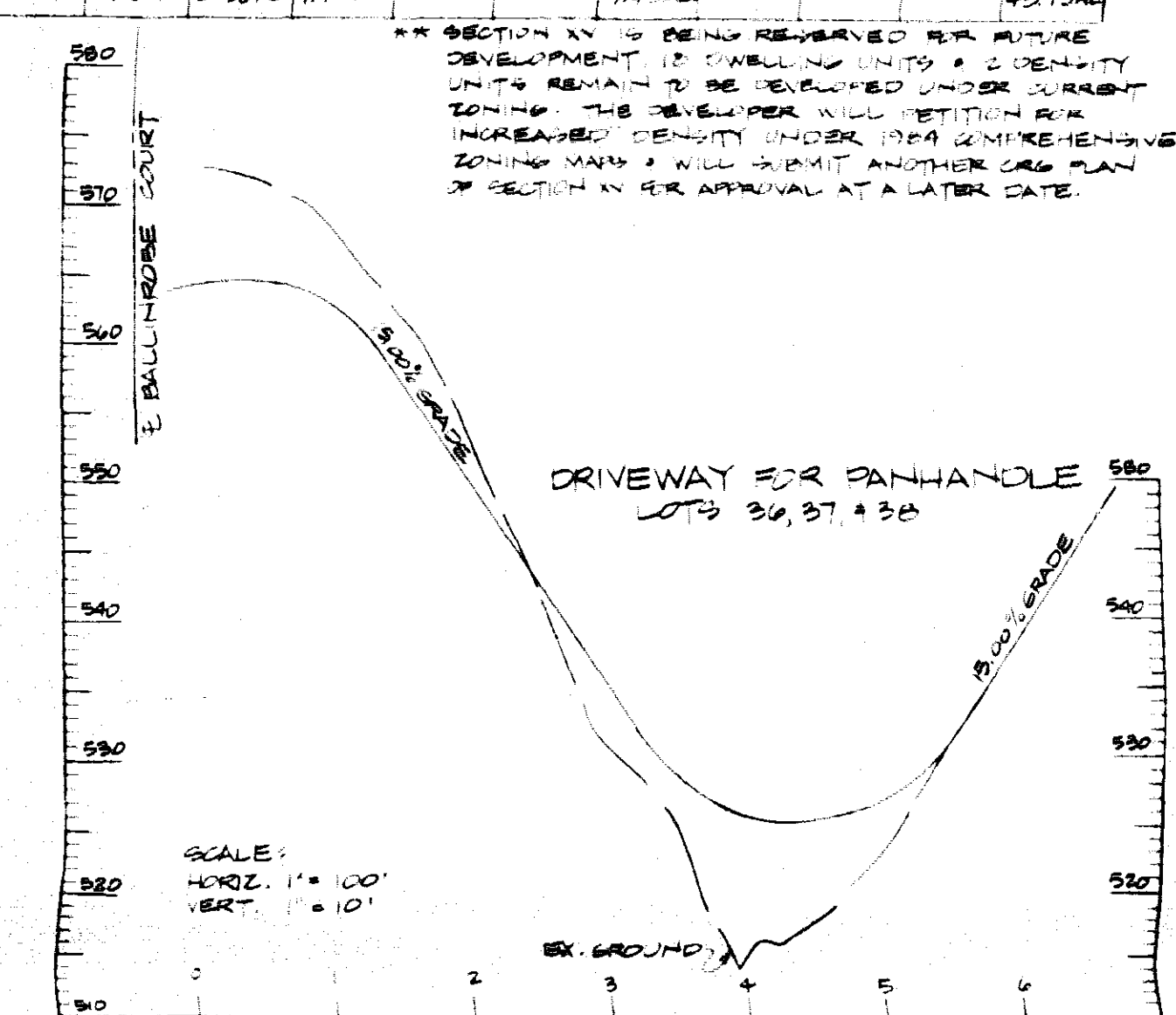





1992-1993

DATE	DAY	RECORDING	REMARKS
11	THU.	JUN 31	MOJO 31
12	THU.	JUN 31	MOJO 34 14
13	THU.	JUN 42	MOJO 34 10 35
14	THU.	JUN 44	MOJO 44
15	THU.	JUN 46	MOJO 118
16	THU.	JUN 46	MOJO 78
17	THU.	JUN 48	MOJO 39
18	THU.	JUN 48	MOJO 53
19	THU.	JUN 49	MOJO 24
20	THU.	JUN 49	MOJO 76

3. SITE DATA BY SECTION																* AREAS NOT RECORDED AS OF 9/1/79															
	SEC. I		SEC. II		SEC. III		SEC. IV		SEC. V		SEC. VI		SEC. VII		SEC. VIII		SEC. X*		SEC. XI*		SEC. XII*		SEC. XIII		SEC. XIV		SEC. XV*		TOTAL		
DWELLING UNITS	01	141	50	132	120	71	6	74	16	18	20	12	57	98	0	1050															
DENSITY UNITS	154.5	NA	NA	NA	NA	219	90.5	NA	13.0	NA	NA	NA	NA	NA	0	556															
OPEN SPACE (U.S.A.)	9.2 AC.	0.5 AC.	9.9 AC.	0.6 AC.	0.9 AC.	2.0 AC.	0.4 AC.	12 AC.	3.9 AC.	0.5 AC.	5.7 AC.	1.9 AC.	3.1 AC.	0.1 AC.	1.2 AC.	80.7 AC.															
TOTAL OPEN SPACE (U.S.A.)			9.9 AC.	10.5 AC.				61.4 AC.	3.9 AC.	0.5 AC.	5.7 AC.		7.0 AC.			80.7 AC.															

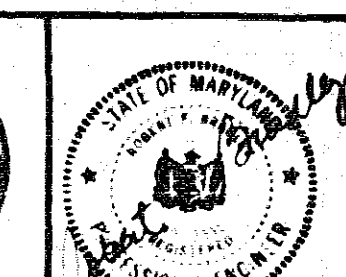


CRG APPROVAL FOR:  
SECTIONS VIII - XV  
SECTION XVI (7 SINGLE FAM HOMES)



**DAFT · McCUNE · WALKER INC.**  
LAND PLANNING CONSULTANTS  
LANDSCAPE ARCHITECTS  
ENGINEERS  
530 EAST JUPPA ROAD  
TOWSON, M.D. 21204  
TELEPHONE: 301-296-3333

**MAYS CHAPEL  
VILLAGE/SOUTH**  
**Master Plan**

[illegible]

SCALE: 1" = 200'	SHEET 1 OF 1
JOB ORDER NO. 82071-B	
ISSUE DATE JAN 3 1983	

**BALTIMORE COUNTY MD.  
COUNTY REVIEW GROUP**

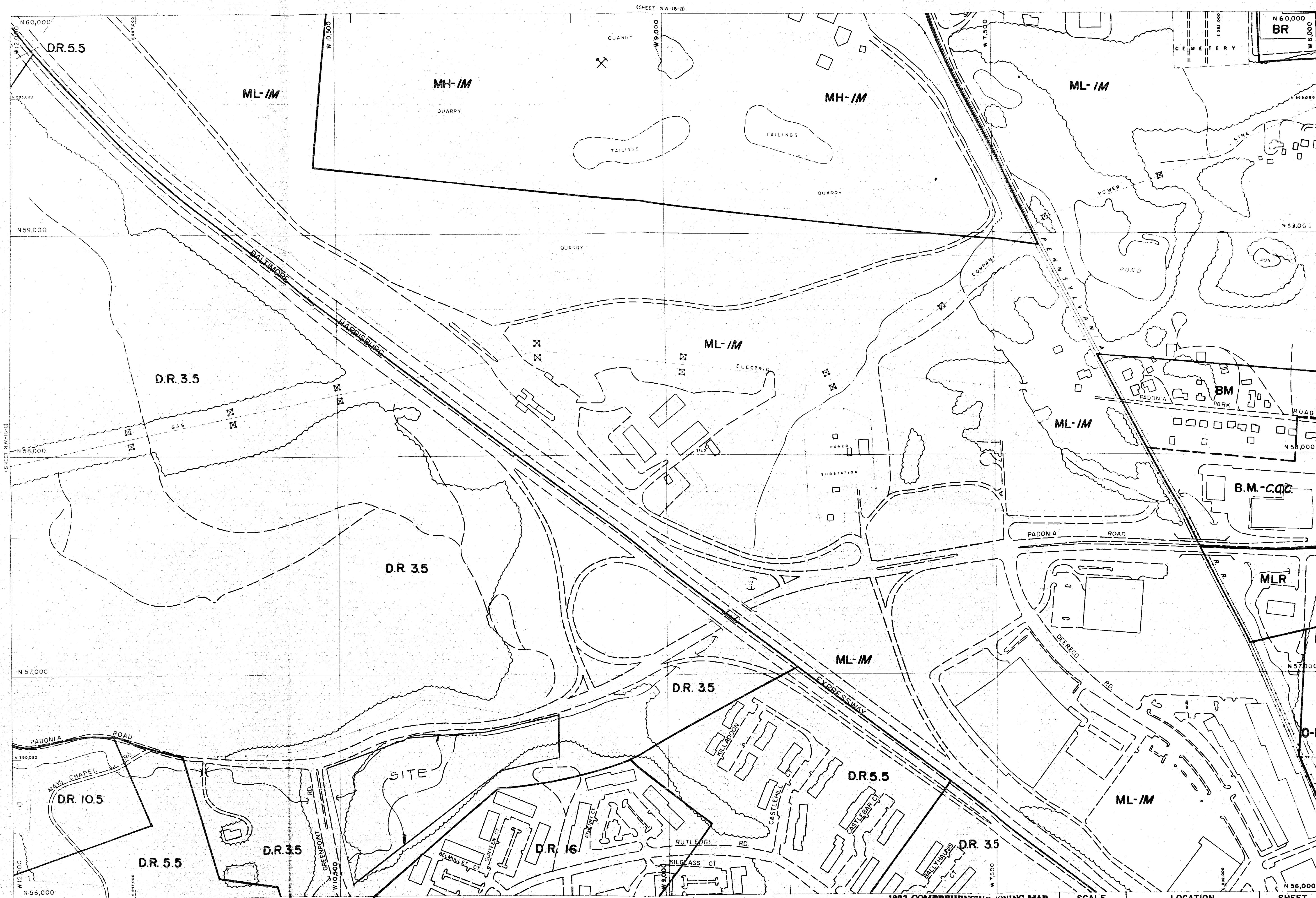
This Plan Was Reviewed By The CRG On 6/5/86  
With The Following Action Taken

**PLAN APPROVED**

Plan Approved DFW See Attached Documents  
Plan Approved OPZ \_\_\_\_\_  
Approval Expiration Date 6/5/86

Plan Disapproved \_\_\_\_\_  
Continued Mtg. Required \_\_\_\_\_  
Plan Referred To Plan, P.R. \_\_\_\_\_





S - NE  
V - SE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992  
Ord. Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92  
*William A. Howard IV*  
Chairman, County Council

SCALE  
1" = 200' ±  
DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
PADONIA  
ITEM # 361

SHEET  
N. W.  
15-B



**CERTIFICATE OF POSTING**  
**SENIOR DEPARTMENT OF BALTIMORE COUNTY**  
 Towson, Maryland

Date: 5/10 Date of Posting: 5/10

Posted for: Special Hearing

Postmaster: Galway, Inc.

Location of property: 3300 Padonia Road

Location of Sign: Being in the section on property to be sold

Remarks:

Posted by: M. Buda Date of return: 5/10

Number of Signs: 1

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. 4/29 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/29 1993

THE JEFFERSONIAN,

S. Zake Olson  
 Publisher

93-354-SPH

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE - REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT

4-13-93

3300 Padonia Road  
 Towson, Maryland 21204

03A0380177HICHC  
 \$35.00

4-22-93

Special Hearing - 10:00 AM - 11:00 AM

03A0380177HICHC  
 \$35.00

TO: POTENTIAL PUBLISHERS COMPANY

Re: CASE NUMBER: 93-354-SPH (Item 361)  
 Mays Chapel Village  
 8th Election District - 3rd Councilmanic  
 Petitioner(s): Galway, Inc.  
 HEARING: WEDNESDAY, MAY 26, 1993 at 9:00 a.m. in Room 106, Office Building.

Please forward billing to:

James Kealty & Co., Inc.  
P.O. Box 528  
Timonium, MD 21094  
Attn: Mark Buda  
252-8600

Baltimore County Government  
 Office of Zoning Administration  
 and Development Management

111 West Chesapeake Avenue  
 Towson, MD 21204

APRIL 23, 1993

**COPY** (410) 887-3353

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-354-SPH (Item 361)  
 Mays Chapel Village  
 8th Election District - 3rd Councilmanic  
 Petitioner(s): Galway, Inc.  
 HEARING: WEDNESDAY, MAY 26, 1993 at 9:00 a.m. in Room 106, Office Building.

Special Hearing to approve an amendment after the sale of interest in nearby property, partial development plan of Mays Chapel Village, Section 8, for one single family lot on adjacent parcel.

Carl John  
 Director

cc: Galway, Inc.  
 James Kealty & Co., Inc.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government  
 Office of Zoning Administration  
 and Development Management

111 West Chesapeake Avenue  
 Towson, MD 21204

(410) 887-3353

May 20, 1993

Mr. Mark Buda  
 James Kealty & Company  
 P.O. Box 528  
 Timonium, MD 21094

RE: Case No. 93-354-SPH, Item No. 361  
 Petitioner: Galway, Inc.  
 Petition for Special Hearing

Dear Mr. Buda:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on April 12, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

SHA Maryland Department of Transportation  
 State Highway Administration

O. James Lighthizer  
 Secretary  
 Hal Kassoff  
 Administrator

4-22-93

Re: Baltimore County  
 Item No.: 4361 (RT)

Ms. Helene Kehring  
 Zoning Administration and  
 Development Management  
 County Office Building  
 Room 109  
 111 W. Chesapeake Avenue  
 Towson, Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
Bob Small  
 John Contestable, Chief  
 Engineering Access Permits  
 Division

My telephone number is \_\_\_\_\_

Telephone for Impaired Hearing or Speech  
 800-7555 Baltimore Metro - 505-5401 D.C. Metro - 1-800-455-5225 Statewide Toll Free  
 707 North Calvert St., Baltimore, Maryland 21201-4717

BALTIMORE COUNTY, MARYLAND  
 INTER-OFFICE CORRESPONDENCE

TO: Larry Schmidt, Zoning Commissioner  
 Baltimore County

FROM: Pat Keller, Deputy Director  
 Office of Planning and Zoning

DATE: May 10, 1993

SUBJECT: Mays Chapel Village-South

INFORMATION:

Item No.: 361

Petition: James Kealty III  
 Galway, Inc.  
 PO Box 528  
 Timonium, MD 21094

Property Size: Mays Chapel Village-South, 88.9+ acres. Lots  
 Subdivision, 10.59+ acres

Zoning: Mays Chapel Village-South, D.R. 2, D.R. 3.5, D.R.5.5 and  
 D.R. 16

Requested Action: Amend partial FDP for Section 8 Mays Chapel Village-South to allow one single-family detached dwelling on 10.59+ acres parcel.

SUMMARY AND RECOMMENDATION:  
 The petitioner has requested an amendment to the partial Development Plan for Section 8, Mays Chapel Village-South to allow for the construction of 1 single family dwelling on a 10.59+ acre parcel of land. The Mays Chapel Village-South, CDS Master Plan received final amendment by the County on 4/2/86. The original plan for Mays Chapel Village-South was approved on 6/17/83 (83-267-SPH). The 10.59+ acre parcel under petition was shown in the CDS Master Plan as included within Section 8 of the Development Regulations. The total acreage of the entire site is 33.2+ acres with the following density permitted and proposed:

Mays Chapel Village-South  
 Page 2,  
 May 10, 1993

	Permitted	Proposed
Dwelling Units	1,178	1,170
Density Units	552	552

Section 8 of Mays Chapel Village South includes two parcels of land. The 9.3+ acre parcel was developed for 120, 2 bedroom condominium units. The 10.59+ acre parcel remained vacant and was subdivided from the parcel of Section 8 which was developed.

The Mays Chapel Village-South, Sections I through XV have a density deficit of 8 dwelling units. All of the density units permitted in Mays Chapel Village-South were used. Staff does not object to the amendment of the partial Development Plan, Section VIII, Mays Chapel Village-South. The future of this parcel was not made clear at the time of the 10/3/83 plan approval. There are 8 unused dwelling units for this development. The Mays Chapel Village-South located just to the north of this site was approved subject to the petitioner relocating Padonia Road and restoring the stream which runs parallel to Padonia Road. The environmental health of this stream along Section 8 should be preserved. This piece of Section 8 is wooded and consists of steep slopes.

Staff recommends APPROVAL of the Petitioner's request subject to the following.

The area roughly shown as a limit of disturbance for the house and driveway shall be subdivided and retained for the development of 1 single-family detached dwelling. The remainder of the parcel shall be conveyed to Baltimore County for stream preservation and woodland retention at no cost to the County.

PK:fjw  
 LARRYSCB/TXTTJW

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

May 4, 1993

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
FROM: *del for* J. Lawrence Pilson  
Development Coordinator, DEPRM  
SUBJECT: Zoning Item #361  
Galway Inc.  
Zoning Advisory Committee Meeting of April 26, 1993

Additional information is needed from the applicant before the Department can complete the review of this zoning item. The applicant may contact the Environmental Impact Review Section of this Department of 887-3980 for details. The proposed development cannot be approved until further environmental review is completed due to the severe environmental constraints on the subject property.

JLP:JAM:tm

GALWAY/TXTRMP

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

May 18, 1993

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
FROM: J. Lawrence Pilson *JP*  
Development Coordinator, DEPRM  
SUBJECT: Zoning Item #361  
Galway Inc. Padonia & Greenpoint Road  
Zoning Advisory Committee Meeting of April 26, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains and Forest Conservation.

The development as proposed will require a variance which has not yet been approved by this Department.

JLP:jbm

ZNG.SHL/TXTRMP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee  
Captain Jerry Pfeiffer  
Fire Department  
FROM: *1/30/93*  
SUBJECT: Comments for 05/03/93 Meeting  
Date: April 29, 1993  
Item 361 No Comments  
Item 362 No Comments  
Item 363 No Comments  
Item 364 No Comments  
Item 365 No Comments  
Item 366 No Comments  
Item 367 No Comments  
Item 368 No Comments  
Item 369 No Comments  
Item 370 Fire Hydrants are required on site. State law requires townhouses, where permit is issued after 07/01/92, to be sprinklered.  
Item 371 No Comments  
Item 372 No Comments  
Item 373 Existing exits shall be maintained to a public way.

RECEIVED  
APR 30 1993  
ZADM

CPS-008

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco  
Deputy Zoning Commissioner  
Wayne R. Harman, Director  
Department of Recreation and Parks  
FROM: *1/24/93*  
SUBJECT: Mays Chapel Village South  
Date: May 26, 1993

In order to make sure that our position is fair and accurate, we respectfully request a continuance on the decision regarding the above.

*Wayne R. Harman*  
W. R. H.

WRH:mab

c: P. David Fields  
J. James Dieter  
Ronald R. Schaeffer

*Mike Grossman*

CPS-008

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco  
Deputy Zoning Commissioner  
Wayne R. Harman, Director  
Department of Recreation and Parks  
FROM: *June 4, 1993*  
SUBJECT: Hearing of Mays Chapel South

At the hearing of May 27, 1993, we requested a continuance of your decision and asked for an extension to June 10, 1993, for our recommendation regarding Section 8, Mays Chapel Village.

Due to the complexity of this issue, we are seeking guidance from the Office of Law. We, therefore, would request an additional two week extension to June 24, 1993, for the submittal of our recommendation.

Additionally, we have spoken with Mark Buda, engineer for Keelty, Incorporated, and he has indicated that Keelty would not object to this request.

Your consideration in this matter is appreciated.

WRH:am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Members, Baltimore County Planning Board  
Norman E. Gerber  
Director of Planning and Zoning  
FROM: *5083-23*  
SUBJECT: Mays Chapel Village Section VIII - XV  
Date: May 16, 1993

In accordance with the Development Regulations Section 22-59, the Plan of Mays Chapel Village Sections VIII - XV has been referred to the Planning Board by the County Review Group. Because the Plan involves a cluster subdivision in the D.R. 2 zone, Section 22-59(A)(5) applies, which requires Planning Board review.

The procedure before the Board as established in Section 22-60(A) and Section 22-60(B)(3) is as follows: "The Planning Board shall consider only those issues set forth in Section 22-59(A) which have been referred to it and shall allow the applicant, any person or any agency to submit oral or written comments concerning only those issues; "The Planning Board shall file its written decision with the CRG, including the reasons therefor, no later than 45 days after the date of referral to the Board, and in its review, the Board shall determine whether the proposed plan is compatible with the development on properties adjacent to the proposed Plan's site."

Attached is an evaluation report and staff recommendation prepared by the Office of Planning and Zoning.

*Norman E. Gerber*  
Norman E. Gerber  
Director of Planning and Zoning

NEC:rh

RECEIVED  
JUN 1 1993  
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CPS-008

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MAYS CHAPEL VILLAGE SECTIONS VIII - XV

This report has been prepared to determine if the proposed cluster development in the D.R. 2 zoned portion of Mays Chapel Village will be compatible with development on adjacent properties.

The overall development of Mays Chapel Village has been an on-going project since 1975. It is located on the West side of the Harrisburg Expressway and South of Padonia Road. The total site area is 332 acres and is zoned D.R. 16, D.R. 5.5, D.R. 3.5, and D.R. 2. Out of a total of 1,582 proposed units, over half are built and occupied. The units are a mixture of single family detached, townhouse, garden apartment and condominium apartment units. A revised plan for the remaining undeveloped Sections VIII - XV has been reviewed by the County Review Group. The revised plan proposed 537 townhouse and apartment units, some of which are located in the portion of the site which is zoned D.R. 2.

Specifically parts of Sections VIII, XII, XIII and XIV are the portion of the development on which the Board must make a determination of compatibility. Section VIII is located on the Northeast side of Rutledge Road and Greenpoint Road, South of Padonia Road. Local open space is located between the proposed units and Padonia Road. Sections XII - XIV are located on the East side of Greenpoint Road along the North side of Chatterton Road. Open space areas are proposed between the units and the tract boundary. The uses on the adjacent properties include a single family dwelling on the South side of Padonia Road West of the site, farm use Northwest of the site, and a golf course on the West side of Jennifer Road. The North side of Padonia Road consists of vacant land. The proposed open space areas mentioned above are heavily wooded areas which are to remain as such. These areas which range from 300' to 600' in width, will function as a natural "buffer" between the proposed units and the single family and farm use. The proposed units are located approximately 700' from the golf course. Because of the low intensity of the uses on the adjacent properties and location of the proposed units from 300' to 600' within the tract boundary, the effect of the cluster development on these properties will be minor.

The Staff recommendation is that development of Sections VIII, XII, XIII, and XIV Mays Chapel Village is compatible with development on adjacent properties.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco  
Deputy Zoning Commissioner  
Wayne R. Harman, Director  
Department of Recreation and Parks  
FROM: *June 17, 1993*  
SUBJECT: Mays Chapel Village South (93-354-504)  
ZONING COMMISSIONER

As a Department, we have had the opportunity to evaluate the issues raised at the May 26, 1993, hearing on Mays Chapel Village South. We have met and/or spoken with Mr. Keelty, Mr. Buda, the County agencies involved and Mr. Jack Fisher, President of Holly Hall Condominium Association. Based on our review and analysis, we cannot recommend that permission be granted to allow further development on the parcel in question.

I base my recommendation on the following:

1. The approved CRG plan for sections VIII - XV, dated June 9, 1983, designates the area south of Padonia Road and east of Greenpoint Road as Local Open Space.
2. As section VIII, XII, XIII, and XIV included DR-2 zoning, the County Review Group on May 12, 1983, referred this cluster subdivision to the Planning Board. In a memo to the Planning Board dated May 16, 1983, then Director of Planning and Zoning, Norman Gerber, recommended development of these sections as a cluster subdivision. It appears that Mr. Gerber relied on the presence of the Local Open Space in question to justify compatibility with adjacent properties and subsequently recommended development. (See Attachment A)

As you are aware, a partial development plan for section VIII dated September 21, 1983, replaces the Local Open Space designation with Galway, Incorporated. The record plat of Plat One, Section VIII, dated November 22, 1983, omits the 10+ acres in question completely.

It is impossible to reconstruct what transpired ten years ago to allow section VIII to be closed out without the required dedication of the Local Open Space. An oversight may have occurred in the process. Not only was it possible the County was in error in this matter; but perhaps also were the landowner, developer, and engineers involved. We feel there is a burden on the above parties to submit a final development plan and to build a subdivision in accordance with previously agreed upon approvals. Although we do not feel that anything was omitted intentionally in this matter, we do feel that to "reward" the owner/developer with an additional unit would set a bad precedent. The message would be out, to a less

ORDER RECEIVED FOR FILING  
Date: 6/24/93  
By: *WRH*

CPS-008

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ADDRESS  
160 S Charles St. 2/20/  
GOLWDY INC. 61E PARDONIA RD  
" " "

# PROTESTANT'S EXHIBIT NO. 1

OPPOSITION TO THE DEVELOPMENT  
OF PROPERTY AT PADONIA AND GREENPOINT ROADS

Holly  
Hall

NAME	SIGNATURE	ADDRESS
JACK FISHER	<i>Jack Fisher</i>	5 BELMULLE CT.
JOANNE FISHER	<i>Joanne Fisher</i>	5 BELMULLE CT.
RICHARD M. ZAPP	<i>Richard M. Zapp</i>	10 BELMULLE CMT, #302
Dorothy K Wright	<i>Dorothy K Wright</i>	10 Belmullet #201
CARL L WRIGHT	<i>Carl L Wright</i>	10 Belmullet #201
Ann Toloman	<i>Ann Toloman</i>	10 Belmullet Ct #202
CAROL B. CARMINE	<i>Carol B. Carmine</i>	6 Belmullet #301
Jenni Blumesch	<i>Jenni Blumesch</i>	6 Belmullet Ct. 302
ANTHONY BENESCH	<i>Anthony Benesch</i>	6 Belmullet Ct. 302
Brenda Sewell	<i>Brenda Sewell</i>	6 Belmullet, 201
NANCY CERSOLANI	<i>Nancy Cersolani</i>	6 BELMULLE CT #
ELIZABETH EVANS	<i>Elizabeth Evans</i>	4 BELMULLE CT #302
PETTY J. GYRES	<i>Petty J. Gyres</i>	4 Belmullet Ct. #201
J. JEFFREY FRYER	<i>J. Jeffrey Fryer</i>	2 Belmullet Ct #301

1

BROOKING COURT

# PROTESTANT'S EXHIBIT NO. 2

OPPOSITION TO THE DEVELOPMENT  
OF PROPERTY AT PADONIA AND GREENPOINT ROADS

NAME	SIGNATURE	ADDRESS
ANGELA CARDIAN	<i>Angela Cardian</i>	4 Brookington #202
HERBERT B. JONES	<i>Herbert B. Jones</i>	6 Brookington Ct. #201
ROBERT E. WEANER	<i>Robert E. Weaner</i>	2 BROOKING CT UNIT 201
DAVIDSON LIVINGSTON	<i>Davidson Livingston</i>	6 Brookington Ct. 201
ELIZABETH EVANS	<i>Elizabeth Evans</i>	6 Brookington Ct. 102
FREDERICK BAUE	<i>Frederick Baue</i>	6 Brookington Ct. 301
Harold E. Davis	<i>Harold E. Davis</i>	4 Brookington Ct #201
ROBERT E. MAY	<i>Robert E. May</i>	2 BROOKING CT. #202
W. J. Russell	<i>W. J. Russell</i>	4 Brookington Ct #102
HERSCHEL MAY	<i>Herschel May</i>	2 BROOKING CT #202
Helen V. Werner	<i>Helen V. Werner</i>	2 Brookington Ct #301
JOAN M. PARSONS	<i>Joan M. Parsons</i>	2 Brookington Ct #302
Mary A. Watson	<i>Mary A. Watson</i>	2 Brookington Ct #102
ANNA WATSON	<i>Anna Watson</i>	4 Brookington #101

May 25, 1993

Larry Schmidt  
Zoning Commissioner  
Baltimore County  
100 Washington Avenue  
Towson, MD 21204

# PROTESTANT'S EXHIBIT NO. 3

Dear Larry:

The Galway Company (James Keely Company) is proposing to develop a ten (10) acre tract of property at the corner of Padonia and Greenpoint Roads. The Holly Hall Condominium Association is strongly opposed to this request.

The Association's opposition is as follows:

- o The current County CRG plan for this section calls for open space on the proposed section of property.
- o The section of property is located in an extremely sensitive environment area.
- o Co-owners of the Association were told that this property would remain in its current state of open space, with no development taking place on the property.
- o During the FUD plan the Keely Company made statements that this property would be turned over to the County for their open space program.
- o Traffic patterns for the area shows that entrance to the proposed site is extremely dangerous to the community.

This property has remained undeveloped since May Chapel South was developed. To allow the developer to now build in an area that has been open space for such a long period of time would be an injustice to the residences of Holly Hall and the community of Mays Chapel South.

When the Holly Hall Condominiums were built over nine year ago, Keely sales personnel (Ms. Diane Tydings and Ms. Rose Larmore) informed buyers of the condominiums that the proposed space would remain undeveloped, stay as open space in a park like setting, or the property would be turned over to Baltimore County as open space. At no time was any owner ever told that this property would be developed. For the Keely Company now to request a zoning change so they may build on this property is a misrepresentation of facts that their sales personnel give to owners of condominiums in Holly Hall. Also, during the hearings on the FUD project of Mays

THE VALLEYS  
PLANNING COUNCIL, INC.

# PROTESTANT'S EXHIBIT NO. 4

Lawrence Schmidt  
Zoning Commissioner  
400 Washington Avenue  
Towson, MD 21204

212 Washington Avenue  
P.O. Box 5462  
Towson, Maryland 21205-5462  
410-337-4877  
410-294-5469 (FAX)

May 25, 1993

RE: Mays Chapel Village  
Section 8

Dear Mr. Schmidt:

Because I have a conflict between this hearing and a previously scheduled meeting, I have asked my assistant, Kristen Forsyth, to present this letter in my behalf.

The Valleys Planning Council has been approached by one of our members, Richard Zapf, with regard to the amendment requested for a 10-acre tract at Mays Chapel South.

It is our understanding that this tract was dedicated to open space as a community amenity and because of the environmental constraints associated with development on the parcel.

I have spoken with Douglas Croker of the Planning Board who informed me that neither the open space designation nor the environmental concerns were presented to the Board. No one appeared from the community in opposition at the ad hoc meeting on May 20, 1993, to discuss the proposed amendment.

Therefore, according to Mr. Croker, there was little discussion and the Board gave their approval.

Because this hearing is the first opportunity for these issues to be addressed, I request on behalf of The Valleys Planning Council that you look at them closely.

I am especially concerned that agreed upon open space may be rescinded for economic gain without judgment of its impact on the people already living there.

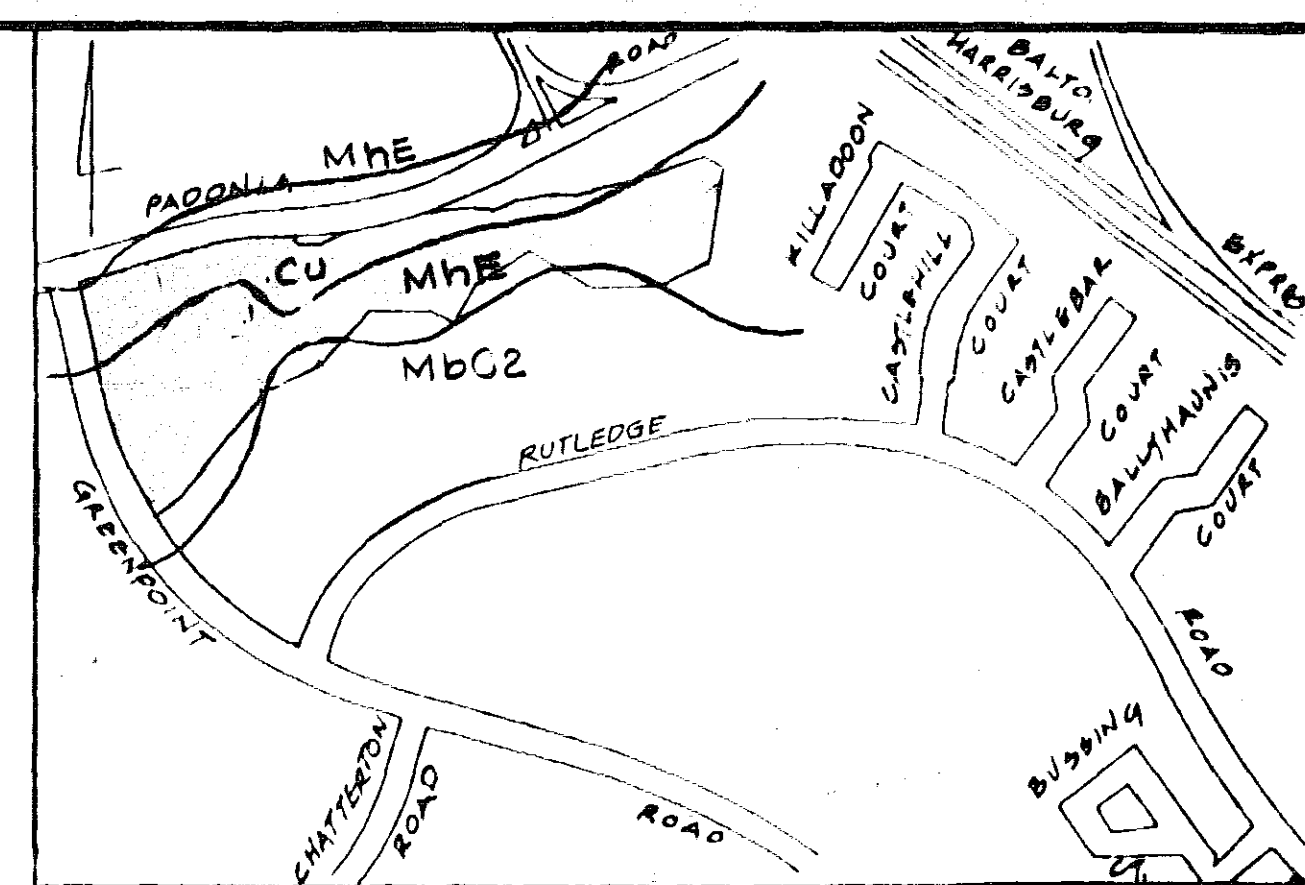
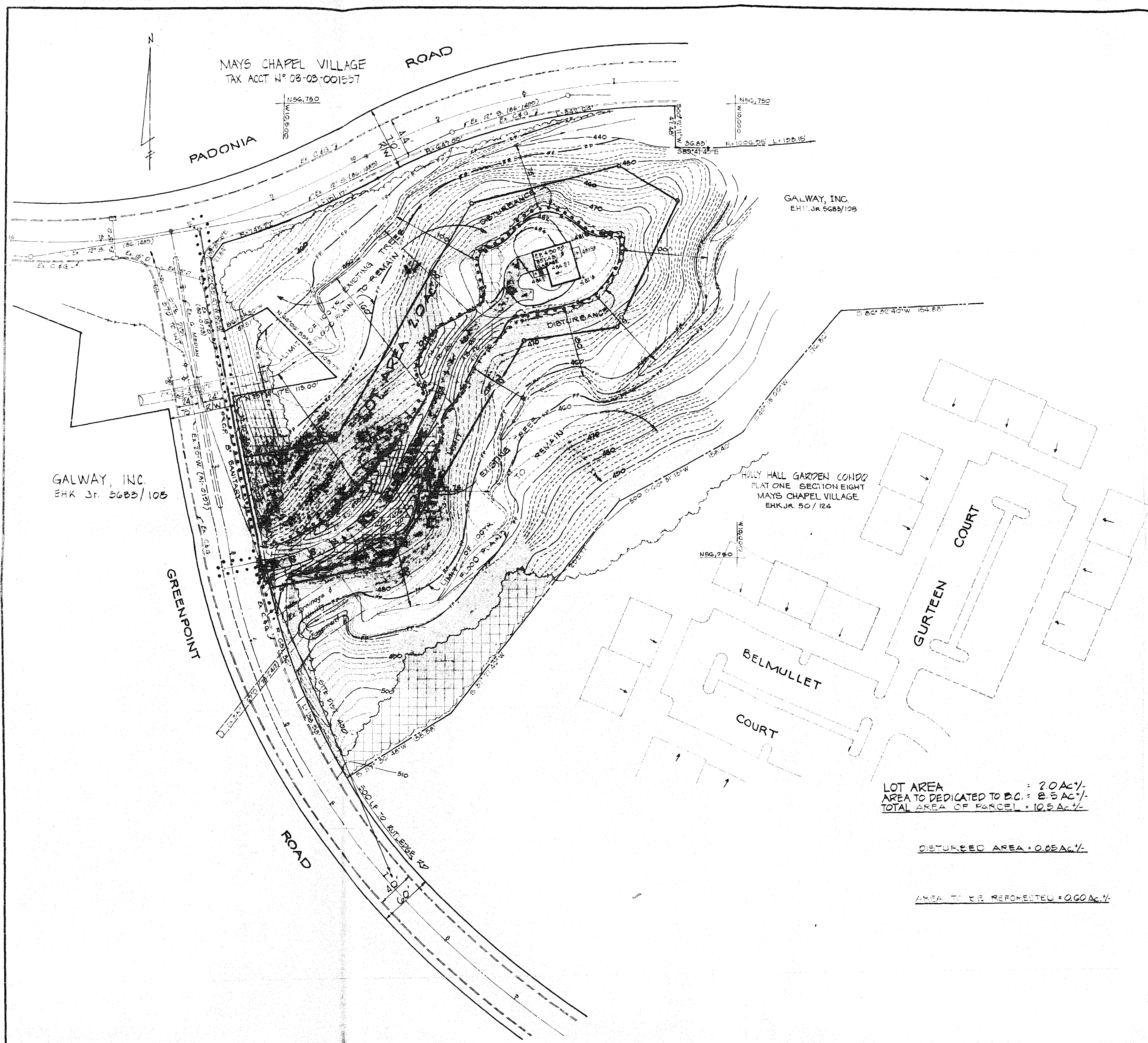
Thank you.

Sincerely,

*Margaret Morrall*  
Margaret Morrall  
Executive Director

cc: Jack Fisher  
Richard Zapf  
David Fields  
James Dieter





DM. X-8155  
Galvanized Spike In Macadam (1 ft. North Of South  
Edge) Padonia Road West Of Harrisburg Expressway  
Overpass  
LOCATION PLAN & SOILS MAP  
SCALE: 1"=500'

**SOILS**  
MHE: Marsh and Brandywine very stony, 20 to 40 percent elevation.  
MBC2: Marsh and Brandywine very stony, 20 to 40 percent elevation.  
MBC3: Marsh and Brandywine very stony, 20 to 40 percent elevation.  
MBC4: Marsh and Brandywine very stony, 20 to 40 percent elevation.

- LEGEND**
- REFORESTED AREA
  - LIMIT OF DISTURBANCE
  - SUPER SILT FENCE
  - SILT FENCE
  - EXISTING CONTOURS
  - PROPOSED CONTOURS
  - SLOPES 25% OR GREATER
  - 100YR. FLOOD PLAIN

- NOTES:**
1. ELECTION DISTRICT NUMBER 8
  2. COUNCILMANIC DISTRICT NUMBER 3
  3. 1"=200' SCALE MAP - N.W. 15-B
  4. TOTAL AREA: 10.59AC 461,200 SF
  5. PRIOR ZONING HEARINGS - NONE

**PLAN TO ACCOMPANY HEARING**

1. LOT SUBDIVISION  
GREENPOINT & PADONIA ROADS  
ELECTION DISTRICT NO. 8 BALTO. CO. MD.  
SCALE: 1"=50' SEPT. 1, 1992  
SHEET 1 OF 2

**PETITIONER'S  
EXHIBIT NO. 1**

OWNER  
GALWAY, INC.  
P.O. BOX 523  
TIMONIUM, MD. 21054

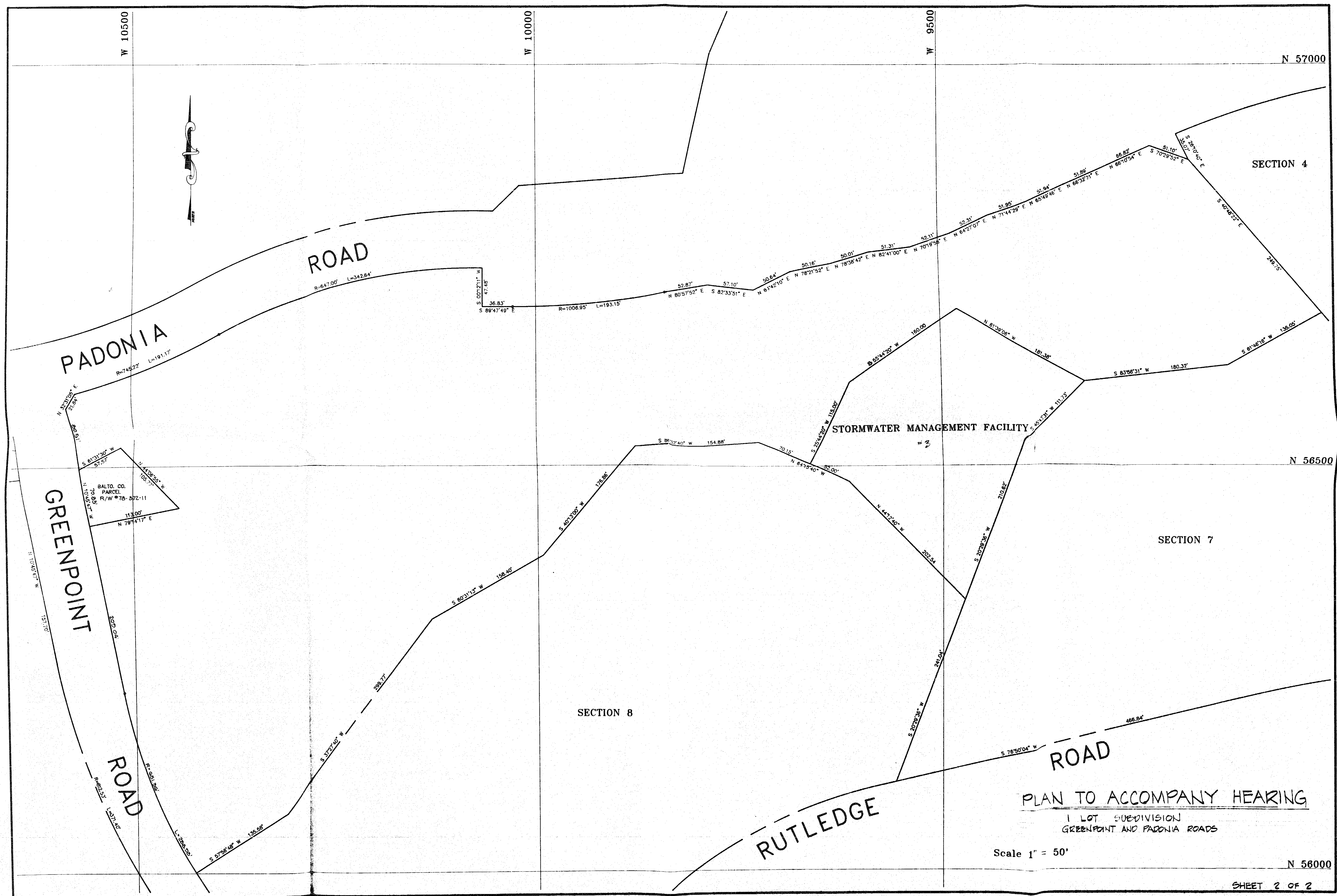
ZONING OFFICE USE ONLY		
REVIEWED BY:	ITEM NO.	CASE NO.

LOT AREA : 2.0 AC +/-  
AREA TO BE DEDICATED TO B.C. : 8.5 AC +/-  
TOTAL AREA OF PARCEL : 10.5 AC +/-

DISTURBED AREA : 0.05 AC +/-

AREA TO BE REFORESTED : 0.00 AC +/-





PADONIA

GREENPOINT

ROAD

ROAD

RUTLEDGE

STORMWATER MANAGEMENT FACILITY

ROAD

SECTION 4

SECTION 7

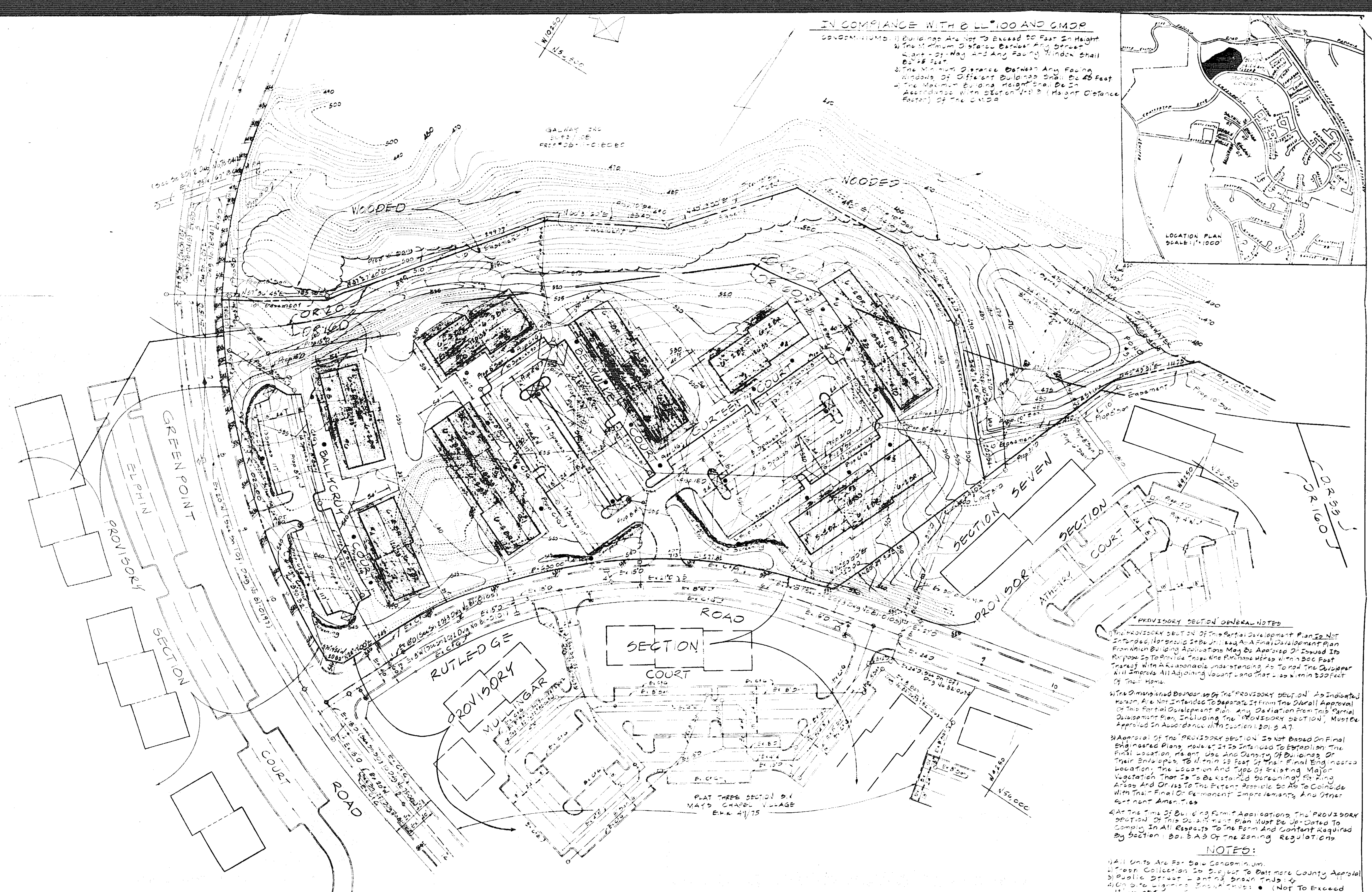
SECTION 8

PLAN TO ACCOMPANY HEARING  
1 LOT SUBDIVISION  
GREENPOINT AND PADONIA ROADS

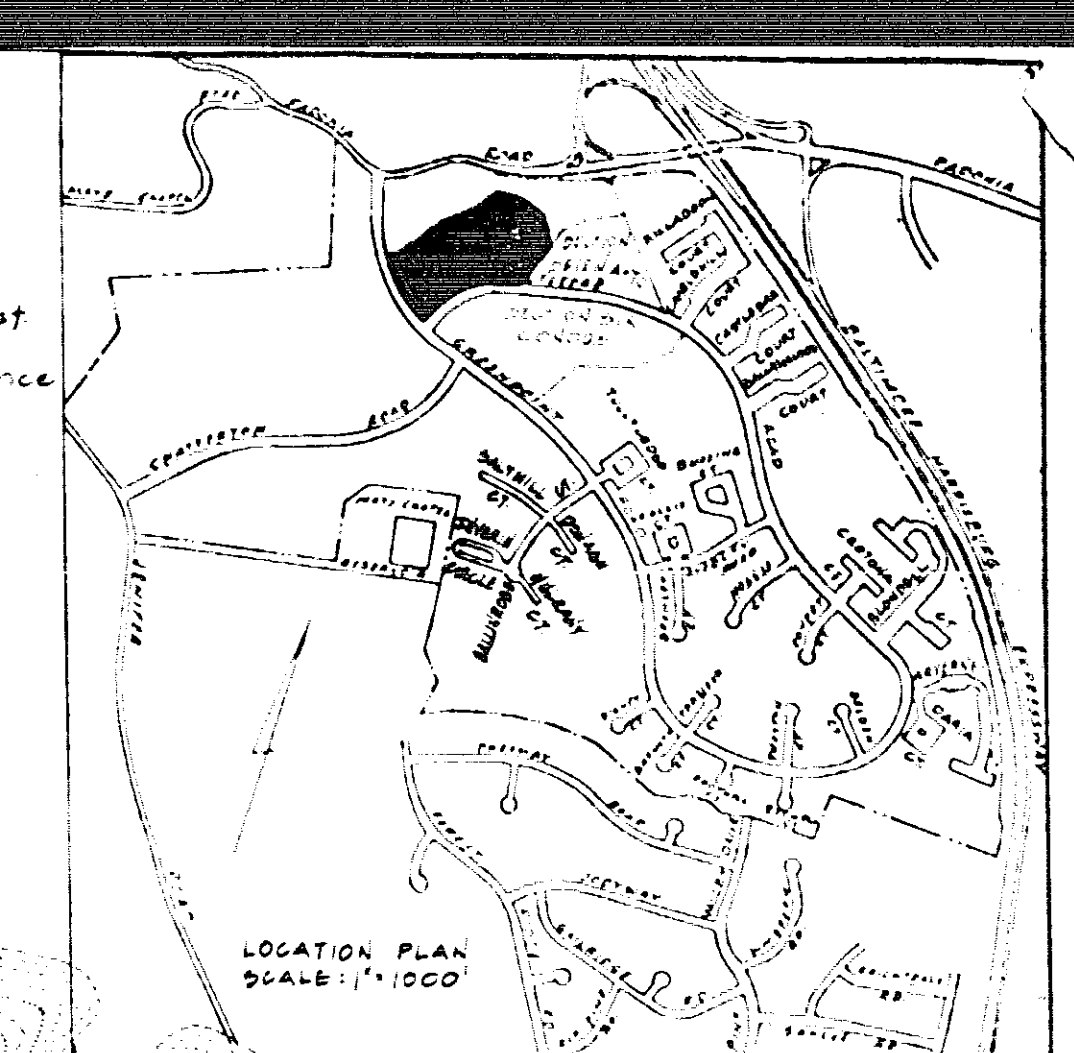
Scale 1" = 50'

SHEET 2 OF 2





IN COMPLIANCE WITH 0-11-100 AND 0-100  
 CONDOMINIUMS: 1) Buildings Are Not To Exceed 35 Feet In Height  
 2) The Minimum Distance Between Any Building And Any Other Building Shall Be 10 Feet  
 3) The Minimum Distance Between Any Building And Any Other Building Shall Be 10 Feet  
 4) The Minimum Distance Between Any Building And Any Other Building Shall Be 10 Feet  
 5) The Minimum Distance Between Any Building And Any Other Building Shall Be 10 Feet

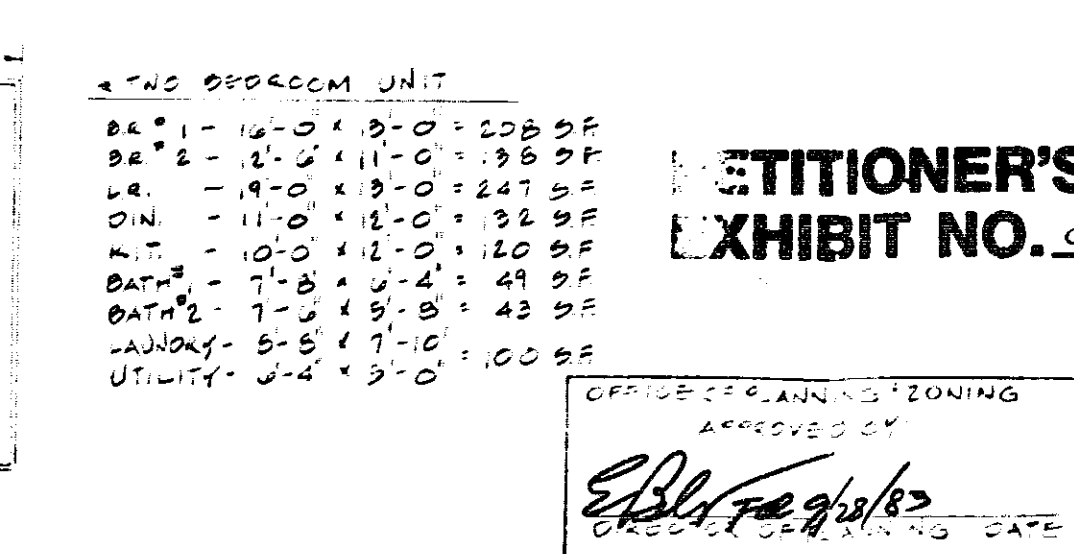
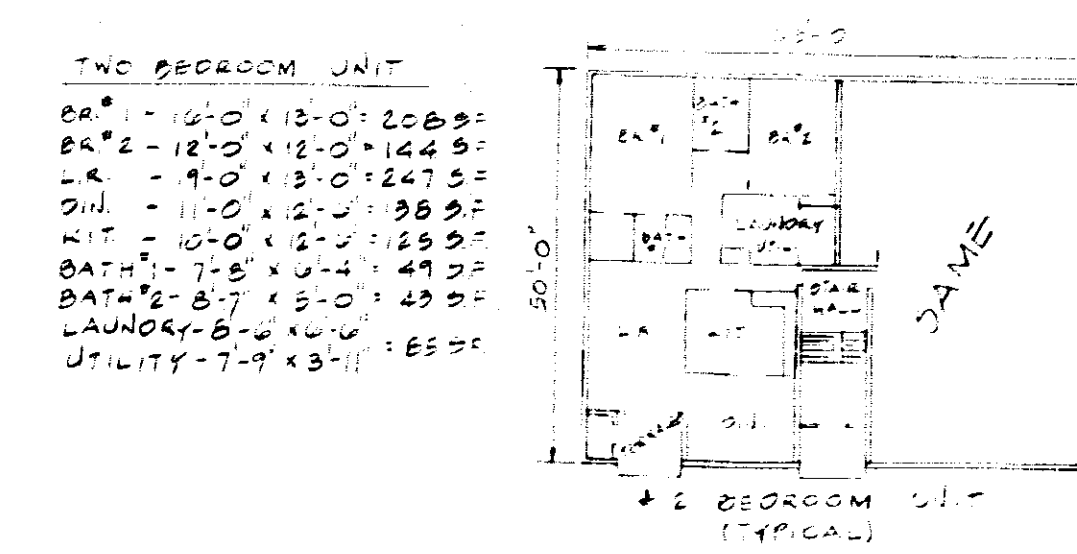
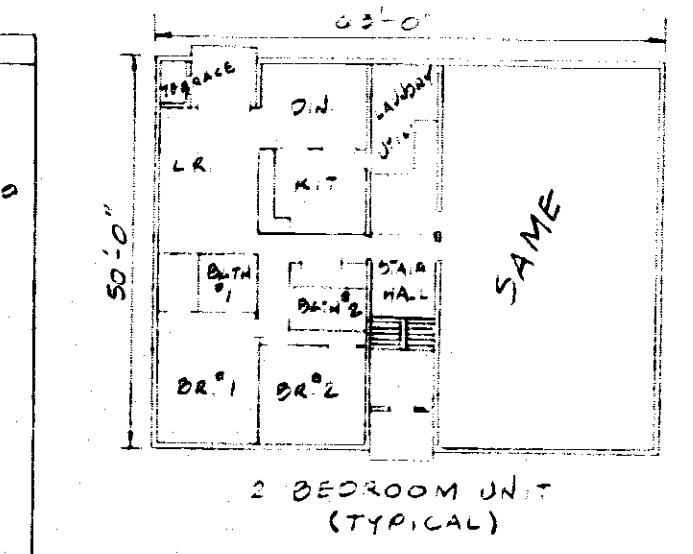


**SUMMARY**

101 Dwelling Units Used In Section One Townhouses, Lots And Apts  
 191 Dwelling Units Used In Section Two Townhouses, Lots And Apts  
 50 Dwelling Units Used In Section Three Lots  
 126 Dwelling Units Used In Section Four Townhouses  
 121 Dwelling Units Used In Section Five Townhouses  
 7 Dwelling Units Proposed In Section Six  
 1 Dwelling Unit Proposed In Section Seven  
 415 Dwelling Units Proposed In Section Eight  
 1308 Dwelling Units Proposed In Section Nine  
 1545 Dwelling Units Used In Section One Apts  
 2150 Dwelling Units Used In Section Two Apts  
 600 Dwelling Units Used In Section Three Apts  
 800 Dwelling Units Used In Section Four Apts  
 500 Dwelling Units Used In Section Five Apts  
 500 Dwelling Units Used In Section Six Apts  
 500 Dwelling Units Used In Section Seven Apts  
 500 Dwelling Units Used In Section Eight Apts  
 500 Dwelling Units Used In Section Nine Apts

**DENSITY TABULATIONS**

SECTION ONE	SECTION TWO	SECTION THREE	SECTION FOUR	SECTION FIVE	SECTION SIX	SECTION SEVEN	SECTION EIGHT	SECTION NINE	TOTAL
101 Apts	191 Apts	50 Apts	126 Apts	121 Apts	7 Apts	1 Apts	415 Apts	1308 Apts	2520 Apts
1545 Apts	2150 Apts	600 Apts	800 Apts	500 Apts	500 Apts	500 Apts	500 Apts	500 Apts	10000 Apts



**SECTION EIGHT**  
**MAYS CHAPEL VILLAGE**  
 BALTO CO, MD  
 ELEV 207' 80" B  
 ELEV 207' 80" B  
 ELEV 207' 80" B

**DEV**

**PARTIAL DEVELOPMENT PLAN**

**SECTION EIGHT**

**MAYS CHAPEL VILLAGE**

**BALTO CO, MD**

**ELEV 207' 80" B**

**ELEV 207' 80" B**

**ELEV 207' 80" B**

**DEV**

**PARTIAL DEVELOPMENT PLAN**

**SECTION EIGHT**

**MAYS CHAPEL VILLAGE**

**BALTO CO, MD**

**ELEV 207' 80" B**

**ELEV 207' 80" B**

**ELEV 207' 80" B**

**CONDOMINIUMS**

**HEIGHT DISTANCE FACTOR**

HEIGHT	DISTANCE FACTOR
10	1.0
20	0.8
30	0.6
40	0.4
50	0.2

**CONDOMINIUMS**

**HEIGHT DISTANCE FACTOR**

HEIGHT	DISTANCE FACTOR
10	1.0
20	0.8
30	0.6
40	0.4
50	0.2

**CONDOMINIUMS**

**HEIGHT DISTANCE FACTOR**

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